

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHAEL LASANE,

Petitioner,

v.

STEPHEN D'ILIO, ET AL.,

Respondents.

Civil Action No. 15-1303 (PGS)

MEMORANDUM AND ORDER

On February 19, 2015, Petitioner Michael Lasane, an inmate currently incarcerated at New Jersey State Prison in Trenton, New Jersey, filed a petition under 28 U.S.C. § 2254 challenging his conviction. (ECF No. 1.) One year later, on February 18, 2016, Petitioner filed a motion to stay the pending §2254 action so that Petitioner may present additional claims concerning newly discovered evidence to the Superior Court of New Jersey. (ECF No. 4). During a hearing by telephone conference on April 4, 2016, Respondent's representative John Tassini agreed that a stay may be appropriate, especially in light of the additional claims pending in the Superior Court.

For purposes of judicial efficiency, rather than granting Mr. Lasane's application to stay, I will direct the Clerk to administratively terminate the petition without prejudice to the right of the parties to reopen once all of the issues before the Superior Court of New Jersey are resolved. All submissions made after reopening will relate back to Petitioner's original habeas filing for purposes of timeliness. *See* Fed.R.Civ.P. 15(c)(1)(B); 28 U.S.C. § 2244(d)(1)(D); *Hodge v. United States*, 554 F.3d 372, 378 (3d Cir.2009) (noting that relation back will be in order when a new claim is "tied to a common core of operative facts," of a claim in a timely pleading) (quoting *Mayle v. Felix*, 545 U.S. 644, 664 (2005)).

IT IS, therefore, on this 12th day of April, 2016

ORDERED that the Clerk shall administratively terminate this matter; and it is further

ORDERED that in the event Petitioner seeks to reopen, he shall:

(a) give written notice of the request to reopen to the Court and to his adversary within thirty days of final resolution of the Superior Court of New Jersey proceedings;

(b) the said notice shall be in the form of a letter. The notice shall include the caption and docket number for this case;

(c) the notice shall be addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608;

(d) the Petitioner shall notify the Clerk of any changes of address; and it is further **ORDERED** that once the action is reopened by the Court, the Court shall hold a scheduling conference with all parties; and it is further

ORDERED the Clerk shall serve this Order upon Petitioner by regular U.S. Mail; and it is further;

ORDERED that Petitioner's motion to stay (ECF No. 4) is denied for the reasons set forth above.



Peter G. Sheridan, U.S.D.J.